

operation when that territory was acquired, against a change of system demanded by a majority of the inhabitants. If that country be regarded as a conquest of our arms, it came into his possession as Military Commander in Chief of the Nation. If by treaty of cession, it came to him as the Chief negotiator of the Country. In either aspect, it came to him as President of the United States. And it is his duty to hold it, not only against foreign invasion, but to protect it against internal disturbance. For the execution of these duties he employs the Military force of the United States, which is under his absolute control, limited only by his sense of obligation to official duty, and his liability to impeachment, for any abuse of his powers. Thus Louisiana and Florida, respectively, were taken into Military occupation by marching troops into their borders, after their acquisition, and thus New Mexico continued to be occupied, after the conclusion of peace, by the troops who had invaded it in War. The rights of the inhabitants of the territory during this continuance of Presidential occupation or custody, are *civil* rights merely—rights *under* the law. They have no political rights, or rights *over* the law. In other words, according to the code and usage of modern civilized nations, they have a right to the continuance of that municipal system for the protection of life, liberty and property, which was found in existence when their flag was changed, and their allegiance transferred, but they have no right to abolish or alter that, except by the permission of the President. Admit to them any political rights, and where will be the limit? If they can form a State Government without the permission of the President, they can also form a monarchical Government—or at least, being without the restraints of the Federal Constitution, their isolated state may levy & keep any number troops, and render insecure, or onerous & expensive, the very conquest itself. Even the inhabitants of our organized territories enjoy very limited privileges, and cannot change their municipal systems, except with the approbation of Congress. And it would be a strange anomaly if a people of a conquered or purchased territory in the Military possession of the Executive, before Congress has passed any law for their Government, have a right, without the permission of the President, to throw off his control, by establishing for themselves a new Government.

But the question remains, what system of Law is to be maintained in that country, the old code or the Kenney Code? The people were entitled at the peace, had they demanded it, to the re-establishment of the old Code. But no such demand was made.